

## **Discussion**

### **Double Patenting**

The USPTO rejected Claims 23 - 49 under the judicial created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 - 27 of U.S. Patent No. 6,589,425. In order to overcome this rejection, the applicant files with this Amendment a Terminal Disclaimer based on U.S. Patent No. 6,589,425. By this Terminal Disclaimer, the applicant asserts that he has overcome the rejection of Claims 23 - 49. As there is no further basis for the rejection of these claims, the applicant requests issuance of a Notice of Allowability for these claims.

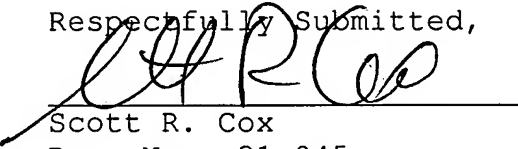
### **Claim Rejections of Claim 50 - 54.**

The USPTO rejected Claims 53 - 54 under 35 USC Section 112. Further, the USPTO rejected Claim 50 under 35 USC Section 102 as being unpatentable based on Pradt, et. al. Finally, the USPTO rejected Claims 51 - 54 as being unpatentable over Pradt, et. al. or Fuchs in view of either Pirbazari, et. al. (Claims 51, 52 and 54) or Chudoba, et. al., (Claim 53). As the applicant has canceled Claims 50 - 54, it is unnecessary to file any response to these rejections. Notwithstanding, the applicant reserves the right to refile claims covering the subject matter of the claims in a later-filed application.

CONCLUSION

The applicant believes that Claims 23 - 49 have been placed in condition for allowance. All remaining claims of the application have been canceled. Thus, the applicant believes that the application is in condition for issuance of a Notice of Allowability and request such issuance. If there are any questions concerning this Amendment, please contact applicant's counsel.

Respectfully Submitted,

  
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CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 12, 2004

Nolly Hunt

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